

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT
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DATE: May 10, 2001

FROM: P&DSD/Current Planning Services Division

SUBJECT: Public Meeting on Planning Application PA01-0001 for Site Development Permit

PROPOSAL: Sprint PCS requests approval of the installation of unmanned, wireless telephone equipment in an architectural feature (a cupola) projecting above an existing covered equestrian exercise facility to a height of 46' 7" above grade, and in an immediately adjoining 17'x18' equipment shed with two external air conditioning compressors. Three panel antennae inside the cupola will not be visible, and six equipment cabinets inside the shed will not be visible. The equipment shed will be surrounded by an existing cottonwood tree, new 4' tall wood fence, hawthorn hedge, and single additional new pepper tree.

LOCATION: In the Coto de Caza area at 23401 Via Pajaro, Third Supervisorial District.

APPLICANT: Sprint PCS, applicant
Silver Bronze Corporation, property owner
Compass Telecom Services, agent

SYNOPSIS: Current Planning Division recommends Zoning Administrator approval subject to findings and conditions.

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BACKGROUND:

The proposed project is classified as a principal use (community facility) and would be permitted subject to approval of a Site Development Permit per the Coto de Caza Specific Plan (Planning Area 21 - "Community Center/Commercial"). The District building height limit of forty (40) feet would allow free-standing communications antennae at fifty (50) feet, by reference to Zoning Code Section 7-9-129.2. It would also allow architectural features not including habitable space at fifty (50) feet, by reference to Zoning Code Section 7-9-129.3(a), when approved by the Zoning Administrator.

SITE ZONING AND SURROUNDING LAND USE:

As noted in the Coto de Caza Specific Plan, Planning Area 21 contains 36 acres and is designated Community Center/Commercial. Found within the planning area are the equestrian center, the general

store, and the one-time conference center now operated as a private school. The Coto Valley Equestrian Center, subject of this application, is a fifteen-acre property with 5 riding arenas, two hot walkers, a bullpen, six turnouts, and stables for 160 horses. The general store is currently 2500 sq. ft. on a 1.6 acre lot. Merryhill Private School, serving approximately 170 children, pre-school through elementary, on 2.9 acres at 23432 Vista del Verde, is part of the nationwide Nobel Learning Communities, Inc., operator of approximately 140 private schools in thirteen states.

CEQA COMPLIANCE:

The proposed project was found to be Categorically Exempt from the provisions of CEQA as the installation of small new equipment in existing structures, or "Class 3". Prior to project approval, the decision-maker must make a finding to this effect (recommended in Attachment A) for the proposed project.

PUBLIC NOTICES, DISTRIBUTION FOR REVIEW, AND COMMENTS RECEIVED:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were previously distributed for review and comment to the Coto de Caza Specific Plan Board of Review, the Orange County Fire Authority, Sheriff's Communications, and County of Orange Traffic Engineering. Technical comments received have been incorporated into this staff report's discussion and conditions of approval. The objections raised by the Coto de Caza Specific Plan Board of Review will be addressed below in the Review and Analysis section. No comments arising from posting or mailing of the public meeting notice have been received to date.

REVIEW AND ANALYSIS:

The proposal is for approval of the addition of unmanned, wireless telephone equipment in an architectural feature (a cupola) projecting above an existing covered equestrian exercise facility to a height of 46' 7" above grade, and in an immediately adjoining 17'x18' equipment shed with two external air conditioning compressors.

A comparable facility, including panel antennae also within a cupola at approximately 45' above grade on the same structure, and also including a ground-mounted equipment shed, was previously approved for AT&T (formerly L.A. Cellular) under SP92-096A. The stated intent of SP92-096A was to install needed cellular communications equipment while enhancing the equestrian character of the structure's architecture. The associated cupola was placed at one end of the roof of the exercise building. The intent of the current application is to balance the more-than-300' long structure by installing needed cellular communications equipment in a second cupola, of approximately the same size, in the same location at the opposite end of the roof. The second cupola will be 10 inches taller than the existing one, a difference quite undetectable to viewers over the 300' separating the two.

As mentioned previously, the District building height limit of forty (40) feet would allow the proposed structure at a height up to 50' above grade. Thus, if the Zoning Administrator determines that the cupola

is an architectural enhancement, the proposed project is consistent with the Coto de Caza Specific Plan regulations. A finding to this effect has been included within Appendix A for adoption by the Zoning Administrator.

In response to comments received from the Coto de Caza Specific Plan Board of Review, General Note N. on Page 52 of the General Regulations of the Coto de Caza Specific Plan states that "All projects requiring discretionary review by the County shall be referred to the appropriate County authorized review panel or panels in existence at the time, including the Coto de Caza Specific Plan Board of Review for comment within the time frame established for such referrals and comments. Such comment if forthcoming shall be advisory only and not binding upon the County or any agency thereof." In accordance with this text, the project was referred to the Coto de Caza Board of Review for comment.

The Board met on this item on February 21, 2001, at which time concern was expressed for aesthetic "mitigation efforts". As a result of that meeting, the applicant revised the project plans to scale the project down from six panel antennae to the current three, and to reduce the cupola height by 2'.

The Specific Plan Board of Review submitted a letter dated February 22, 2001 (attached), indicating they had tabled the applicant's plan until they "are able to accurately address the exact size of the proposed cupola and identify the location of the proposed equipment housing structure." The Board then submitted a second letter, also dated February 22 (also attached), indicating they had "met on March 14, 2001" (sic) and remained seriously concerned with the "overall aesthetics of the proposed site", "alternative installations to address the negative aesthetic impact this proposal would have on the community", and "aesthetic mitigation".

The applicant first met with the Review Board in February, which made known in the record of that February 21, 2001 meeting its concern with "types of mitigation", and acted immediately to mitigate project impacts by scaling down the size and obtrusiveness of the proposed installation. The number of antennae proposed was reduced from six to three, and the cupola shrunk in height by 2'. Landscaping in the form of a new 4' tall wood fence, hawthorn hedge, and single additional new pepper tree was added to screen the equipment shed and its two external air conditioning compressors.

The Review Board's subsequent letter does not seem to respond to Specific Plan Community Center/Commercial Center design guidelines (Page 33), where "architectural accents such as cupolas, windvanes, windmills, and towers which relate to the existing architectural and environmental character of Coto de Caza are encouraged (and) the arrangement of structures and facilities should encourage enough mass and scale to identify their presence as major elements within the community." In staff's opinion, a 300'+ long structure qualifies as a major element.

Thus, although the findings needed to approve a development project do not require the project to make an overt positive contribution, on-site or off-site, financial or otherwise, to its surrounding community, staff feels that the proposal is in entirely in keeping with the Community Center Design Guidelines, and thus makes such a contribution.

Reviewing all of this evidence, the Zoning Administrator is therefore requested to make a determination as to whether: the location, size, design and operating characteristics of the proposed use will or will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental, or

incompatible with other permitted uses in the vicinity; and whether the application will or will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

Providing this determination can be made in favor of the project, staff believes the communications public service being provided to the unincorporated area and the architectural improvements entirely consistent with Specific Plan Guidelines outweigh the Review Board's stated objections to additional panel antennae which will themselves be undetectable, and a ground-mounted equipment shed that should be both less visually obtrusive than the existing telecom shed (which stands by itself in mid-field) and offer superior screening.

Staff therefore recommends, in the context of a needed public service facility being provided that must be placed at heights above grade in this vicinity coincident with the 40'+ height of this equestrian structure. No other new man-made structure of this height above grade would be less obtrusive than attachments to the existing facility.

RECOMMENDATION

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Application PA 01-0001 subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad Brown, Chief
CPSD/Site Planning Section

APPEAL PROCEDURE

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision, upon submittal of required documents and a fee of \$760.00, filed at the Development Processing Center, 300 N. Flower, Santa Ana.

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval

Exhibits: (Zoning Administrator package only)

1. Applicant's Letter of Explanation
2. Site Plans
3. Coto de Caza Review Board letters dated February 22, 2001 (two letters)